

WRITTEN TESTIMONY FOR SB 458
BY JOHN BARBAGELLO
OF HELENA, MONTANA

The problems created by Senate Bill 458 are many, but four come immediately to the front.

First, it represents a major shift in responsibility from parents reporting home school information to County Superintendents acquiring information about home schools. It gives the government wide sweeping authority over home schools that has not been in effect before. Since home schools are not operated under the same educational philosophies, curriculum or assessment standards as the public school system there can only be unnecessary hinderances placed on the home schools and unnecessary recordkeeping placed on the public school system under this proposed legislation.

Second, by registering both students and teachers of home schools with the county school system each home school in the state with two or more students legally becomes a public nonaccredited school. The ramifications of this are mind boggling. If the parent has a current teaching degree and is current in their certification they must now be paid a teacher salary and be included in the Teachers Retirement System. Every other aspect of financial responsibility placed on the system from upgrading the school building (home) to continuing education of the teacher for continued certification requirements to providing free curriculum to whatever other costs may be necessary to bring that little public school up to accreditation standards. If the parent is not certified but could be in a two year period the school system must foot the bill to bring that teacher up to standards. If there are current teachers who are in the public school but are unhappy going to work each day and would rather spend time with their own children, AND GET PAID THEIR REGUALR SALARY TO DO SO, they could defect from their jobs and pull their children out of the big public school to start their own small public school (formerly called a home school). Even a cursory glance at the financial responsibilities placed on the system in MCA title 20 makes the ramifications of this bill astronomical.

Thirdly, the bill is a blatant attack on home schools in Montana today. If passed the effective date of the bill makes every Montana home school child truant upon passage. Virtually no home school has reported the required information as of June 23, 2006 for the 2006-2007 school year we are now in. Therefore the police powers given to truant officers in MCA 20-5-105 to arrest parents and take children into custody, and the jail penalties and fines required in MCA 20-5-106 will make, upon passage of the bill, home school parents prosecutable criminals and home school children truant wards of the state needing to be placed under the care of Family Services and the foster care system. To say the bill does no harm is a lie.

Lastly, the bill creates extra work for but has no value to the public school system. Since few if any home schools would become accredited schools but could operate under nonaccredited statutes, MCA 20-9-311 8d would not permit those students to be used for ANB or BASE funding purposes. Further, any attempt to use home school students not receiving full education from the public school system for ANB or BASE accounting purposes to acquire part of the federal monies allocated under the Combined Fiscal Effort per student allotment would, under federal Maintenance of Effort (MOE) standards, constitute federal fraud by the public school system. I checked the FBI website and they do investigate fradulent use of federal monies by educational entities at the state and local level. Any attempt to gain federal monies for home school students by the school system anywhere in Montana would be a felony.

The other problems with the bill are too numerous to mention in brief. Suffice it to say that the bill is a dud, an attack on home schools, a threat financially and legally to the public school system, and should be killed by this Senate comittee. Thank you.